



LADAS & PARRY  
26 WEST 61ST STREET  
NEW YORK NY 10023

In re Application of	:	
DAVIS	:	
Application No.: 09/980,039	:	DECISION ON
PCT No.: PCT/US99/28972	:	
Int. Filing Date: 08 December 1999	:	PETITION UNDER
Priority Date: 11 December 1998	:	
Attorney Docket No.:U 013729-7	:	37 CFR 1.137(b)
For: USE OF ACETYLCHOLINESTERASE	:	
INHIBITORS ON THE MODULATION OF THE	:	
HYPOTHALAMIC-PITUITARY-GONADAL AXIS	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" filed 27 November 2001.

### **BACKGROUND**

On 08 December 1999, applicants filed international application PCT/US99/28972, which claimed a priority date of 11 December 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 15 June 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 07 July 2000, which was within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 June 2001.

On 27 November 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, an assertion of small entity status, and the instant PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)"

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;

- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee for a small entity on 27 November 2001.

As to item (2), applicants submitted the petition fee for a small entity of \$640.00 on 27 November 2001.

With regard to item (3), petitioner has provided the required statement.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

### CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date.



Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (703) 308-2066  
Facsimile: (703) 308-6459